

WARRANT FOR SPECIAL TOWN MEETING

Wednesday, April 26, 2017

**WARRANT FOR
SPECIAL TOWN MEETING
Wednesday, April 26, 2017**

STM ARTICLE

1

ZONING BYLAW

AMENDMENT/DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaw to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.

(Inserted at the request of the Town Manager on behalf of the
Residential Study Group)

STM ARTICLE

2

ZONING BYLAW

**AMENDMENT/RECREATIONAL
MARIJUANA**

MORATORIUM

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."

Section 11.10.1 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94 are not otherwise contemplated or addressed under the present Zoning Bylaw. The regulations to be promulgated by the Cannabis Control Commission may provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the Town may further restrict commercial sales of recreational marijuana by local ballot questions. Moreover, the regulation of recreational marijuana raises novel legal,

planning and public safety issues, potentially necessitating time to study and consider study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

11.10.2 Definitions

“Recreational Marijuana Establishment” shall mean a non-medical “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

11.10.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through June 30, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws in response to these new issues.

11.10.4 Severability

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.”

Or take any action related thereto.

(Inserted at the request of the Town Manager)

STM ARTICLE

3

APPROPRIATION/CAPITAL BUDGET/ HARDY SCHOOL CAPACITY EXPANSION

To see if the Town will vote to appropriate a sum of money for capacity expansion, temporary or permanent, at the Hardy school building, determine how the money shall be raised and expended, including the possibility of borrowing all or some of the same; or take any action related thereto.

(Inserted at the request of the Town Manager)

STM ARTICLE

4

APPROPRIATION/CAPITAL BUDGET/GIBBS SCHOOL RENOVATION

To see if the Town will vote to appropriate a sum of money for renovation, temporary or permanent, at the Gibbs school building, determine how the money shall be raised and expended, including the possibility of borrowing all or some of the same; or take any action related thereto.

(Inserted at the request of the Town Manager)

**STM ARTICLE
5**

**TRANSFER OF FUNDS/SPECIAL
EDUCATION STABILIZATION FUND**

To see if the Town will vote to transfer a sum of money between the Special Education Stabilization Fund and the Arlington Public Schools in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law; determine how much money should be transferred into or out of such Stabilization Fund; or take any action related thereto.

(Inserted at the request of the Arlington School Committee)



Town of Arlington, Massachusetts

STM ARTICLE 1

Summary:

To see if the Town will vote to amend the Zoning Bylaw to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.

Arlington Redevelopment Board Report

Capital Planning Committee Report



Town of Arlington, Massachusetts

STM ARTICLE 2

Summary:

MORATORIUM

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."

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11.10.4 Severability

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall

not affect the other provisions or application of this bylaw.”
Or take any action related thereto.

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Discussion-Vote_STM_Article_2.pdf	Discussion-Vote STM Article 2
▢	Reference Material	STM_Proposed_Amendment_Article_2_Ruderman.pdf	STM Proposed Amendment Article 2 Ruderman

Arlington Redevelopment Board Report

Capital Planning Committee Report

ARTICLE 2

ZONING BYLAW AMENDMENT/RECREATIONAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Town’s Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, “Temporary Moratorium on Recreational Marijuana Establishments.”

Section 11.10.1 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94 are not otherwise contemplated or addressed under the present Zoning Bylaw. The regulations to be promulgated by the Cannabis Control Commission may provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the Town may further restrict commercial sales of recreational marijuana by local ballot questions. Moreover, the regulation of recreational marijuana raises novel legal, planning and public safety issues, potentially necessitating time to study and consider study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

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“Recreational Marijuana Establishment” shall mean a non-medical “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

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For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through June 30, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period,

Town of Arlington, MA – Special Town Meeting 2017 – Warrant Article Discussion and Vote
Summary

the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws in response to these new issues.

11.10.4 Severability

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.”
Or take any action related thereto.

(Inserted at the request of the Town Manager)

ARLINGTON SPECIAL TOWN MEETING
Wednesday, April 26, 2017

Article 2– Amendment

VOTED: to amend the recommended vote of the Arlington Redevelopment Board under Article 2, in section 11.10.3 “Temporary Moratorium” in the following respects:

1. in the third line, strike out *2018* and insert in place thereof ***2019***
2. in the fifth line, strike out *earlier* and insert in place thereof ***later***

Submitted by

[signed] A. *Michael Ruderman*
Town Meeting Member, Precinct 9
April 24, 2017



Town of Arlington, Massachusetts

STM ARTICLE 3

Summary:

To see if the Town will vote to appropriate a sum of money for capacity expansion, temporary or permanent, at the Hardy school building, determine how the money shall be raised and expended, including the possibility of borrowing all or some of the same; or take any action related thereto.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Discussion-Vote_STM_Article_3.pdf	Discussion-Vote STM Article 3

Capital Planning Committee Report

Permanent Town Building Committee Report

ARTICLE 3

**APPROPRIATION/CAPITAL BUDGET/
HARDY SCHOOL CAPACITY EXPANSION**

To see if the Town will vote to appropriate a sum of money for capacity expansion, temporary or permanent, at the Hardy school building, determine how the money shall be raised and expended, including the possibility of borrowing all or some of the same; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTED: That the sum of \$3,500,000 be and hereby is appropriated for the purpose of paying costs of the design, reconstruction of and additions to the Hardy elementary school, and for costs incidental and related thereto; and with the approval of the Board of Selectmen, the Treasurer is authorized to borrow \$3,500,000 under and pursuant to Chapter 44 Section 7 of the General Laws, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore, said sums to be expended under the direction of the Town Manager. Any premium received by the Town upon the sale of any bonds or notes, may be applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.



Town of Arlington, Massachusetts

STM ARTICLE 4

Summary:

To see if the Town will vote to appropriate a sum of money for renovation, temporary or permanent, at the Gibbs school building, determine how the money shall be raised and expended, including the possibility of borrowing all or some of the same; or take any action related thereto.

Capital Planning Committee Report

Permanent Town Building Committee Report



Town of Arlington, Massachusetts

STM ARTICLE 5

Summary:

To see if the Town will vote to transfer a sum of money between the Special Education Stabilization Fund and the Arlington Public Schools in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law; determine how much money should be transferred into or out of such Stabilization Fund; or take any action related thereto.

Capital Planning Committee Report